

## PENT COOPERATION TREA

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

Date of mailing (day/month/year) 06 juillet 2001 (06.07.01)
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From the INTERNATIONAL BUREAU

To:

HUSKISSON, Frank, Mackie  
 Syngenta Limited  
 Intellectual Property Dept.  
 Jealott's Hill International  
 Research Centre  
 P.O. Box 3538  
 Bracknell, Berkshire RG42 6YA  
 ROYAUME-UNI

Applicant's or agent's file reference PPD 50431/WO	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/GB00/02457	International filing date (day/month/year) 23 juin 2000 (23.06.00)

1. The following indications appeared on record concerning:

the applicant     the inventor     the agent     the common representative

Name and Address  SYNGENTA LIMITED Fernhurst Haslemere Surrey GU27 3JE United Kingdom	State of Nationality GB	State of Residence GB
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

the person     the name     the address     the nationality     the residence

Name and Address  SYNGENTA LIMITED Fernhurst Haslemere Surrey GU27 3JE United Kingdom	State of Nationality GB	State of Residence GB
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer  Dominique DELMAS  Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

**NOTIFICATION OF THE RECORDING  
OF A CHANGE**

(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

Date of mailing (day/month/year)  
24 April 2001 (24.04.01)

From the INTERNATIONAL BUREAU

To:

HUSKISSON, Frank, Mackie  
Syngenta Limited  
Intellectual Property Dept.  
Jealott's Hill International  
Research Centre  
P.O. Box 3538  
Bracknell, Berkshire RG42 6YA  
ROYAUME-UNI

Applicant's or agent's file reference  
PPD 50431/WO

**IMPORTANT NOTIFICATION**

International application No.  
PCT/GB00/02457

International filing date (day/month/year)  
23 June 2000 (23.06.00)

1. The following indications appeared on record concerning:

the applicant     the inventor     the agent     the common representative

Name and Address

ZENECA LIMITED  
15 Stanhope Gate  
London W1Y 6LN  
United Kingdom

State of Nationality

State of Residence

Telephone No.

Faxsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

the person     the name     the address     the nationality     the residence

Name and Address

SYNGENTA LIMITED  
Fernhurst  
Haslemere  
Surrey GU27 3JE  
United Kingdom

State of Nationality

State of Residence

Telephone No.

Faxsimile No.

Teleprinter No.

3. Further observations, if necessary:

Change of name and address only. Address of the agent has also changed.

4. A copy of this notification has been sent to:

the receiving Office

the designated Offices concerned

the International Searching Authority

the elected Offices concerned

the International Preliminary Examining Authority

other:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Anman QIU

Facsimile No.: (41-22) 740.14.35

Telephone No.: (41-22) 338.83.38

PENT COOPERATION TR E Y

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION  
(PCT Rule 61.2)

Date of mailing: <b>04 January 2001 (04.01.01)</b>	To:  Commissioner US Department of Commerce United States Patent and Trademark Office, PCT 2011 South Clark Place Room CP2/5C24 Arlington, VA 22202 ETATS-UNIS D'AMERIQUE  in its capacity as elected Office
International application No.: <b>PCT/GB00/02457</b>	Applicant's or agent's file reference: <b>PPD 50431/WO</b>
International filing date: <b>23 June 2000 (23.06.00)</b>	Priority date: <b>29 June 1999 (29.06.99)</b>
Applicant: <b>GRIFFIN, Jonathan et al</b>	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International preliminary Examining Authority on:

**29 November 2000 (29.11.00)**

in a notice effecting later election filed with the International Bureau on:

\_\_\_\_\_

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer:  J. Zahra Telephone No.: (41-22) 338.83.38
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# PATENT COOPERATION TREATY

PCT Rec'd 21 DEC 2001 PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT PCT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference PPD 50431/WO	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB00/02457	International filing date (day/month/year) 23/06/2000	Priority date (day/month/year) 29/06/1999	
International Patent Classification (IPC) or national classification and IPC C12N15/31			
Applicant SYNTEGA LIMITED et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I     Basis of the report
- II     Priority
- III     Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV     Lack of unity of invention
- V     Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI     Certain documents cited
- VII     Certain defects in the international application
- VIII     Certain observations on the international application

Date of submission of the demand 29/11/2000	Date of completion of this report 01.06.2001
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Claes, B Telephone No. +49 89 2399 8429



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB00/02457

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-29                   as originally filed

**Claims, No.:**

1-51                   as originally filed

**Drawings, sheets:**

1/5-5/5               as originally filed

**Sequence listing part of the description, pages:**

1-27, as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB00/02457

the description,        pages:

the claims,        Nos.:

the drawings,        sheets:

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

the entire international application.

claims Nos. 4,5,47(partially), 19,20,26.

because:

the said international application, or the said claims Nos. 26 relate to the following subject matter which does not require an international preliminary examination (*specify*):  
**see separate sheet**

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. 4,5,47(partially), 19,20.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

the written form has not been furnished or does not comply with the standard.

the computer readable form has not been furnished or does not comply with the standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB00/02457

**1. Statement**

Novelty (N)	Yes:	Claims	1-18,21-25,27-51
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-18,21-25,27-51
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-18,21-25,27-51
	No:	Claims	

**2. Citations and explanations**  
**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB00/02457

**Re Item III**

**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

Claims 4,5 and 47 (partially): see International Search Report for limitation of search efforts.

Claims 19 and 20: the subject of this claims lacks any technical features which would allow an assessment of novelty and inventive step. Consequently also all claims referring to this claim and in this respect are fully unclear and not examined in that respect.

Claim 26: Article 34(4)(a)(i) and Rule 67.1(ii) PCT

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. None of the documents cited in the International Search Report impair the novelty of or render the subject matter of the claims obvious.
2. Claims 4,5 and 47 have been examined to the extent that their subject matter has been searched.
3. All statements to claims referring to claims 19 and 20 are excluding such references in the claims.

**Re Item VIII**

**Certain observations on the international application**

1. Claims 37 and 38 lack the descriptive technical features which would render such claim clear in accordance with Article 6 PCT.

PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PTO/PCT Rec'd 21 DEC 2001

DOS PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT  
(PCT Rule 71.1)

To:  HUSKISSON, Frank M. ZENECA AGROCHEMICALS Intellectual Property Department Jealott's Hill Research Station P.O Box 3538 Bracknell, Berkshire RG42 6YA GRANDE BRETAGNE	~ 5 SCANNED ALL PAGES	Date of mailing (day/month/year) 01.06.2001
Applicant's or agent's file reference PPD 50431/WO	IMPORTANT NOTIFICATION	
International application No. PCT/GB00/02457	International filing date (day/month/year) 23/06/2000	Priority date (day/month/year) 29/06/1999
Applicant SYNTEGA SYNTEGA LIMITED et al.		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

**4. REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Büchler, S Tel. +49 89 2399-8090
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference  PPD 50431/WO	<b>FOR FURTHER ACTION</b>																									
See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)																										
International application No.  PCT/GB00/02457	International filing date (day/month/year)  23/06/2000	Priority date (day/month/year)  29/06/1999																								
International Patent Classification (IPC) or national classification and IPC C12N15/31																										
Applicant  SYNTEGA LIMITED et al.																										
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>																										
<p>3. This report contains indications relating to the following items:</p> <table style="margin-left: 20px; border: none;"> <tr><td>I</td><td><input checked="" type="checkbox"/></td><td>Basis of the report</td></tr> <tr><td>II</td><td><input type="checkbox"/></td><td>Priority</td></tr> <tr><td>III</td><td><input checked="" type="checkbox"/></td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr> <tr><td>IV</td><td><input type="checkbox"/></td><td>Lack of unity of invention</td></tr> <tr><td>V</td><td><input checked="" type="checkbox"/></td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr> <tr><td>VI</td><td><input type="checkbox"/></td><td>Certain documents cited</td></tr> <tr><td>VII</td><td><input type="checkbox"/></td><td>Certain defects in the international application</td></tr> <tr><td>VIII</td><td><input checked="" type="checkbox"/></td><td>Certain observations on the international application</td></tr> </table>			I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
I	<input checked="" type="checkbox"/>	Basis of the report																								
II	<input type="checkbox"/>	Priority																								
III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																								
IV	<input type="checkbox"/>	Lack of unity of invention																								
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VI	<input type="checkbox"/>	Certain documents cited																								
VII	<input type="checkbox"/>	Certain defects in the international application																								
VIII	<input checked="" type="checkbox"/>	Certain observations on the international application																								

Date of submission of the demand  29/11/2000	Date of completion of this report  01.06.2001
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Claes, B  Telephone No. +49 89 2399 8429



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB00/02457

**I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-29 as originally filed

**Claims, No.:**

1-51 as originally filed

**Drawings, sheets:**

1/5-5/5 as originally filed

**Sequence listing part of the description, pages:**

1-27, as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB00/02457

- the description,      pages:
- the claims,           Nos.:
- the drawings,        sheets:

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application.
- claims Nos. 4,5,47(partially), 19,20,26.

because:

- the said international application, or the said claims Nos. 26 relate to the following subject matter which does not require an international preliminary examination (*specify*):  
**see separate sheet**
- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for the said claims Nos. 4,5,47(partially), 19,20.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- the written form has not been furnished or does not comply with the standard.
- the computer readable form has not been furnished or does not comply with the standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB00/02457

**1. Statement**

Novelty (N) Yes: Claims 1-18,21-25,27-51  
No: Claims

Inventive step (IS) Yes: Claims 1-18,21-25,27-51  
No: Claims

Industrial applicability (IA) Yes: Claims 1-18,21-25,27-51  
No: Claims

**2. Citations and explanations  
see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/02457

**Re Item III**

**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

Claims 4,5 and 47 (partially): see International Search Report for limitation of search efforts.

Claims 19 and 20: the subject of this claims lacks any technical features which would allow an assessment of novelty and inventive step. Consequently also all claims referring to this claim and in this respect are fully unclear and not examined in that respect.

Claim 26: Article 34(4)(a)(i) and Rule 67.1(ii) PCT

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. None of the documents cited in the International Search Report impair the novelty of or render the subject matter of the claims obvious.
2. Claims 4,5 and 47 have been examined to the extent that their subject matter has been searched.
3. All statements to claims referring to claims 19 and 20 are excluding such references in the claims.

**Re Item VIII**

**Certain observations on the international application**

1. Claims 37 and 38 lack the descriptive technical features which would render such claim clear in accordance with Article 6 PCT.

## INTERNATIONAL SEARCH REPORT

In. National Application No  
PCT/GB 00/02457

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 C12N15/31 C07K14/47 A01H5/00 C12N15/86

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 C12N C07K A01H

**PCT/GB/00/02457 Rec'd 31 DEC 2001**

Documentation searched other than minimum documentation (such as additional classification symbols or documents); if none, leave blank.

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PATENT ABSTRACTS OF JAPAN vol. 1999, no. 04, 30 April 1999 (1999-04-30) & JP 11 012280 A (HOKKO CHEM IND CO LTD;MICROBIAL CHEM RES FOUND), 19 January 1999 (1999-01-19) the whole document ---- -/-	

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

## \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority, claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search  28 September 2000	Date of mailing of the international search report  13/10/2000
Name and mailing address of the ISA  European Patent Office, P.B. 5818 Patenttaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  Smalt, R

# INTERNATIONAL SEARCH REPORT

Int'l Application No  
PCT/GB 00/02457

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>DATABASE BIOSIS 'Online!          BIOSCIENCES INFORMATION SERVICE,          PHILADELPHIA, PA, US; 1995</p> <p>BOLCKMANS K ET AL: "PreFeRal,          (Paecilomyces fumosoroseus strain Apopka          97), A new microbial insecticide for the          biological control of whiteflies in          greenhouses."          Database accession no. PREV199699101197          XP002148687          the whole document</p> <p>&amp; MEDEDELINGEN FACULTEIT LANDBOUWKUNDIGE          EN TOEGEPASTE BIOLOGISCHE,          vol. 60, no. 3A, 1995, pages 707-711,          1995</p> <p>---</p>	
A	<p>NEMER M ET AL: "STRUCTURE SPATIAL AND          TEMPORAL EXPRESSION OF TWO SEA URCHIN          METALLOTHIONEIN GENES SPMTB-1 AND SPMTA"          JOURNAL OF BIOLOGICAL CHEMISTRY,          vol. 266, no. 10, 1991, pages 6586-6593,          XP002148686          ISSN: 0021-9258          the whole document</p> <p>-----</p>	35

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims 4 and 5 refer to a protein having homology to another protein, which comprises a provided sequence. Since the area of homology could lie away from the provided peptide sequence, this claims do in fact not give any characterization of the protein for which protection is sought. The search for said claims, and the claims dependent thereon, is limited to sequences which have at least 55% homology to the provided peptide sequence, comprised within the protein of claim 1.

Similarly, the method of claims 17 and 18 do not characterize in any way the protein of claim 19. Consequently, the search for claim 19, and all claims dependent thereon, has been limited to proteins with extensive homology to those of claim 1, whereby 55% homology to the characterized domain, as used above, is considered sufficiently broad.

Claim 47, finally, refers to a protein which cross-reacts with an antibody against the protein of claim 1. Since the cross-reactivity could occur against a domain outside that defined by seq.ID.1, claim 47 does not define the protein for which protection is sought in any way, thereby making a search for the full scope of the claim impossible. The search has been restricted again to the protein comprising a domain at least 55% homologous to seq.ID.1.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

# INTERNATIONAL SEARCH REPORT

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(54) Title: INSECTICIDAL PROTEINS FROM PAECILOMYCES AND SYNERGISTIC COMBINATIONS THEREOF

(57) Abstract: The present invention relates to insecticidal proteins, in particular proteins obtainable from *Paecilomyces* sp such as *Paecilomyces farinosus*. In a preferred embodiment the invention provides insecticidal proteins having the amino acid sequence depicted as SEQ ID No. 1. The invention also provides an insecticidal synergistic protein combination comprising a first insecticidal protein according to the invention in combination with a further protein. Preferably the further protein is an insecticidal crystal endotoxin (CRY) protein. Also provided are polynucleotides encoding the proteins and plants which are capable of producing the proteins or protein combination.

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